

4

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 DAVID BERNHARDT, and  
D-2 ORMAN BERNHARDT,

Defendants.

Case:2:11-cr-20316

Judge: Roberts, Victoria A.

MJ: Michelson, Laurie J.

Filed: 05-16-2011 At 10:48 AM

INFO: USA V BERNHARDT ETAL.,

INFORMATION

The United States Attorney charges:

COUNT ONE

(18 U.S.C. § 1343 – Wire fraud)

1. At all times pertinent to this information Davalor Mold Corporation was an automotive parts supplier located in Chesterfield, Michigan. Davalor manufactured and supplied injection molded plastic parts to Tier 1 automotive suppliers.

2. Davalor's parts included safety related components of seat belt assemblies. Davalor manufactured and supplied parts under contracts with its customers that included specific requirements for materials, including specific plastic materials to be used, and the amount of regrind plastic (as opposed to virgin plastic) that may be

used, if applicable. Davalor's contracts also imposed specific quality control requirements.

3. Davalor was a privately held company, owned equally by David Bernhardt, its President, and Orman Bernhardt, its Director of Operations.

4. From in or about March, 2008, and continuing through on or about April 13, 2010, defendants DAVID BERNHARDT and ORMAN BERNHARDT knowingly intended to and did devise, carry out, and attempt to carry out a scheme to defraud Davalor's customers through material misrepresentations, by: (1) sometimes substituting less expensive materials for those that were specifically required; (2) using regrind plastic in larger proportions than were permitted; (3) ceasing or decreasing required quality testing and revalidation testing; and (4) having employees create false and fraudulent testing reports for submission to customers and to auditors, and submitting those false reports.

5. From in or about March, 2008, and continuing through on or about April 13, 2010, defendants DAVID BERNHARDT and ORMAN BERNHARDT, for the purpose of executing and carrying out the scheme to defraud and attempting to do so, did transmit and cause to be transmitted by means of wire communication in interstate commerce various communications with Davalor customers, including email and internet communication, in furtherance of the scheme to defraud.

All in violation of Title 18, United States Code, Section 1343.

BARBARA L. McQUADE  
United States Attorney

s/ Sheldon N. Light  
SHELDON N. LIGHT (P28798)  
Assistant U.S. Attorney  
211 W. Fort St., Suite 2001  
Detroit, MI 48226-2311  
313.226.9732  
sheldon.light@usdoj.gov

Dated: May 16, 2011

United States District Court Eastern District of Michigan	<b>Criminal Case Cover Sheet</b>	Case Number
--	----------------------------------	-------------

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

**Reassignment/Recusal Information** This matter was opened in the USAO prior to August 15, 2008 [ ]

<b>Companion Case Information</b>	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <u>SNL</u>

Case Title: USA v. David Bernhardt et al.

County where offense occurred : Macomb

Check One:      ☒ Felony      ☐ Misdemeanor      ☐ Petty

☐ Indictment/ XX Information --- no prior complaint.

☐ Indictment/        Information --- based upon prior complaint [Case number: ]

☐ Indictment/        Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

### **Superseding Case Information**

Superseding to Case No: \_\_\_\_\_ Judge: \_\_\_\_\_

- ☐ Original case was terminated; no additional charges or defendants.
- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name

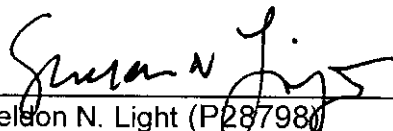
Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

May 16, 2011

Date

  
 Sheldon N. Light (P28798)  
 Assistant United States Attorney  
 211 W. Fort Street, Suite 2001  
 Detroit, MI 48226-3277  
 Phone: (313) 226-9732  
 Fax: (313) 226-3413  
 E-Mail address: sheldon.light@usdoj.gov